

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIRST DAY — TUESDAY, APRIL 15, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 144).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Jones, D.; Rodriguez.

The invocation was offered by Father Alessandro Di Taddeo, St. Frances Cabrini Church, Laredo, as follows:

Almighty and eternal God, author of life and light, you foster that which is good, that which is right, and that which is beautiful. All things come from you; all ages and eternity belong to you. You are the alpha and the omega, the beginning and the end.

As we, the representatives of the State of Texas, begin this session, we lift up our hearts to thank you for all your blessings. We pray for our well-being, and for the gift of your wisdom, so that our deliberations may be in accordance with your will and beneficial to the people we represent and serve.

Keep us honest and true to the ideals of right government. In your goodness, watch over us and guide our efforts, that people everywhere in our state may enjoy freedom, peace, security, and prosperity.

And we pray for your assistance in our endeavor to enhance the quality of life in our areas of responsibility.

This we ask in humility and all sincerity of you, Heavenly Father, who lives and reigns forever and ever. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Rodriguez on motion of Kubiak.

The following member was granted leave of absence temporarily for today because of important business:

D. Jones on motion of Uher.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 33).

(Stiles in the chair)

HCR 192 - ADOPTED (by Roman and Kubiak)

Representative Roman moved to suspend all necessary rules to take up and consider at this time **HCR 192**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 192, Designating April 15, 1997, as Bryan-College Station Day at the Capitol.

HCR 192 was read and was adopted without objection.

On motion of Representative Kubiak, the names of all the members of the house were added to **HCR 192** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Roman, who introduced the Honorable Bill Presnal, former member of the Texas House of Representatives.

CAPITOL PHYSICIAN

The chair recognized Representative Christian who presented Dr. Keith Miller of Center as the "Doctor for the Day."

The house welcomed Dr. Miller and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HCR 198 - ADOPTED (by Keffer)

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HCR 198**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 198, Recognizing April 15, 1997, as Hood County Day at the Capitol.

HCR 198 was read and was adopted without objection.

HR 510 - ADOPTED
(by Crabb)

Representative Crabb moved to suspend all necessary rules to take up and consider at this time **HR 510**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 510, Commending the Reverend Robert E. "Bob" Hayes, Jr., for his Christian service.

HR 510 was adopted without objection.

HR 614 - ADOPTED
(by Telford)

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 614**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 614, Commending the members of the Texas Retired Teachers Association and recognizing April 16, 1997, as Texas Retired Public School Personnel Day.

HR 614 was read and was adopted without objection.

On motion of Representative Yarbrough, the names of all the members of the house were added to **HR 614** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Telford, who introduced Robert Richards, president of TRTA; Mike Lehr, executive director; and Lamont Veatch, chairman, TRTA state legislative committee.

HR 599 - ADOPTED
(by Christian)

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 599**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 599, In memory of Juanita Ramsey.

HR 599 was read and was unanimously adopted by a rising vote.

HR 270 - ADOPTED
(by Christian)

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 270**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 270, Designating the East Texas Poultry Festival as the official poultry festival of the State of Texas.

HR 270 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Christian, who introduced a group of children from the Shelby County Junior Chamber of Commerce.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

SB 1706 - RECOMMITTED

Representative Delisi moved to recommit **SB 1706** to the Committee on Appropriations.

The motion prevailed without objection.

HB 3576 - PERMISSION TO INTRODUCE

Representative Hightower requested permission to introduce and have placed on first reading **HB 3576**.

A record vote was requested.

Permission to introduce was granted by (Record 145): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.;

Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles(C); Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Jones, D.; Rodriguez.

Absent — Denny; Wilson.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 2699 ON THIRD READING
(by Gray, et al.)**

HB 2699, A bill to be entitled An Act relating to the continuation and functions of the Council on Sex Offender Treatment and to the administration of certain of those functions by the Texas Department of Health.

HB 2699 was passed. (Shields recorded voting no)

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 1445 ON SECOND READING
(by Gray)**

CSHB 1445, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission and to the transfer of certain commission functions to the Texas Department of Commerce; providing penalties.

(Speaker in the chair)

Amendment No. 1

Representative Gray offered the following amendment to **CSHB 1445**:

Amend **CSHB 1445** as follows:

On page 46, line 19, at the end of Section 33 of the bill, add the following subsection:

(1) Notwithstanding other provisions of law, a greyhound racing association and the state greyhound breed registry must by contract agree that each simulcast contract to which the greyhound racing association is a party, including a simulcast contract with a horse racing association or a simulcast contract with another greyhound racing association, includes terms that provide adequately for the development of greyhound racing in this state. If a greyhound racing association and the state greyhound breed registry fail to reach an

agreement, the racing association or the breed registry may submit the contract negotiations for binding arbitration under Chapter 171, Civil Practice and Remedies Code, and rules adopted by the commission. The arbitration must be conducted by a board of three arbitrators. The greyhound racing association shall appoint one arbitrator. The state greyhound breed registry shall appoint one arbitrator. The arbitrators appointed by the greyhound racing association and the state greyhound breed registry shall appoint the third arbitrator. A greyhound racing association and the state greyhound breed registry shall each pay their own arbitration expenses. The greyhound racing association and the state greyhound breed registry shall equally pay the arbitrator fees and costs.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Madden offered the following amendment to **CSHB 1445**:

Amend **CSHB 1445** as follows:

On page 7, lines 20 and 21, strike "unless the absence is excused by majority vote of the commission".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Corte offered the following amendment to **CSHB 1445**:

Amend **CSHB 1445** as follows:

(1) On page 11, line 4, after the word "state" strike "guidelines" and substitute "laws, rules, regulations, and instructions directly promulgated from those laws, rules, and regulations"

(2) On page 11, line 7, after the word "state" strike "guidelines" and substitute "laws, rules, regulations, and instructions directly promulgated from those laws, rules, and regulations"

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Chisum offered the following amendment to **CSHB 1445**:

Amend **CSHB 1445** by amending section 23 as follows:

SECTION 23. Section 6.091(a); page 38, line 8, is amended to read as follows:

(3) if the association is a horse racing association, an amount equal to one percent of a multiple two wagering pool or multiple three wagering pool as the amount to be set aside for the Texas-bred program to be divided as provided by subsection (a)(5) of this section and used as provided by Section 6.08(f) of this Act;

page 38, line 19, is amended to read as follows:

(5) the remainder as the amount set aside for purses, expenses, the sending association, and the receiving association pursuant to a contract approved by the commission between the sending association and the receiving location, provided that the amount set aside for purses on a live racing day is expended during that race meeting. Of the amount set aside for purses from simulcasting

at a Class I track on a day during which no live racing occurs one-half (1/2) of the total shall be apportioned to Thoroughbred purses at that track, one-half (1/2) shall be apportioned to Quarter Horse purses at that track. Of the amount set aside for purses from simulcasting at a Class II track on a day during which no live racing occurs, each breed participating in live racing at the Class II track shall be apportioned an amount based on the prorata participation of each breed during that year as determined by the commission.

Representative Gray moved to table Amendment No. 4.

The motion to table prevailed.

Amendment No. 5

Representatives Hamric, Torres, and Danburg offered the following amendment to **CSHB 1445**:

Amend **CSHB 1445** as follows:

(1) On page 45, line 18, strike "the nearest greyhound racetrack cannot be reached" and substitute "any greyhound racetrack within 100 miles cannot be reached".

(2) On page 45, lines 21-24, strike "the horse racetrack may purchase and conduct wagering on a simulcast greyhound signal from any greyhound racetrack in the state with which the horse racetrack can reach an agreement" and substitute "then the terms of such purchase of simulcast signals shall be set by the Racing Commission after reviewing an application by either such horse racetrack or such greyhound racetrack. The Racing Commission shall make its decision no later than 60 days after receipt of the application. The Racing Commission's decision is final and is not appealable".

(3) On page 46, lines 1-2, strike "the nearest Class 1 racetrack cannot be reached" and substitute "any Class 1 race track within 100 miles cannot be reached".

(4) On page 46, lines 5-8, strike "the greyhound racetrack may purchase and conduct wagering on a simulcast horse signal from any Class 1 race track in the state with which the greyhound racetrack can reach an agreement" and substitute "then the terms of such purchase of simulcast signals shall be set by the Racing Commission after reviewing an application by either such horse racetrack or such greyhound racetrack. The Racing Commission shall make its decision no later than 60 days after receipt of the application. The Racing Commission's decision is final and is not appealable".

Representative Gray moved to table Amendment No. 5.

The motion to table prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 9).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSHB 1445 - (consideration continued)**Amendment No. 6**

Representative Chisum offered the following amendment to **CSHB 1445**:

Amend **CSHB 1445** by adding the following SECTION, appropriately numbered:

SECTION _____. Section 8.01, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) is amended to read as follows:

Section 8.01

The commission shall allocate the live and simulcast racing days for the conduct of live and simulcast wagering at each racetrack licensed under this Act. Each racetrack shall accord reasonable access to races for all breeds of horses as determined by the racetrack through negotiations with the representative state breed registry with the final approval of the commission, provided, that for every 2 thoroughbred racing days allocated at a class I track, at least one quarter horse racing day, or the number of races equivalent to one racing day, shall also be allocated at the track during the same calendar year. In granting approval, the commission shall consider the factors of availability of competitive horses, economic feasibility, and public interest. In allocating race dates under this section, the commission shall consider live race dates separately from simulcast race dates. The commission may prohibit Sunday racing unless the prohibition would conflict with another provision of this Act.

Representative Gray moved to table Amendment No. 6.

The motion to table prevailed.

Amendment No. 7

Representative Berlanga offered the following amendment to **CSHB 1445**:

Amend **CSHB 1445** as follow:

On page 17, Strike the sentence that begins on line 15 and substitute the following: "Medication or drug testing performed on a race animal under ~~[Section 14.03 of]~~ this Act shall be conducted by a laboratory selected by the commission on a yearly basis by competitive bidding submitted to the commission for final approval. The commission's decision shall be based on cost and integrity. The Texas Veterinary Medical Diagnostic Laboratory may aid the commission in its selection ~~[either by the Texas Veterinary Medical Diagnostic Laboratory or in conjunction with or by a private or public agency that is approved by the commission and by the Texas Veterinary Medical Diagnostic Laboratory]."~~

Amendment No. 7 was adopted without objection.

CSHB 1445, as amended, was passed to engrossment. (Chisum, Culberson, Finnell, Heflin, Swinford, and Talton recorded voting no)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

HB 2828 ON THIRD READING
(by Place)

HB 2828, A bill to be entitled An Act relating to public access to certain personal information about employees of the Texas Department of Criminal Justice and certain law enforcement personnel.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a funeral:

Place on motion of Hightower.

HB 2828 - (consideration continued)

A record vote was requested.

HB 2828 was passed by (Record 146): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.; Place; Rodriguez.

Absent — Williamson.

HB 1305 ON THIRD READING
(by Brimer)

HB 1305, A bill to be entitled An Act relating to safety consultations.

HB 1305 was passed.

HB 1745 ON THIRD READING
(by Dutton)

HB 1745, A bill to be entitled An Act relating to an intervenor's liability for attorney's fees and costs in certain civil actions.

HB 1745 was passed.

HB 3196 ON THIRD READING
(by Janek and Brimer)

HB 3196, A bill to be entitled An Act relating to workers' compensation medical benefits, impairment income benefits, and lifetime income benefits.

HB 3196 was passed.

HB 1298 ON THIRD READING
(by Kuempel)

HB 1298, A bill to be entitled An Act relating to the delegation of duties of the Texas Natural Resource Conservation Commission and its executive director.

HB 1298 was passed.

HB 1724 ON THIRD READING
(by Delisi)

HB 1724, A bill to be entitled An Act relating to the administration and enforcement of the peer assistance program under the Texas Pharmacy Act.

HB 1724 was passed.

HB 1917 ON THIRD READING
(by Goodman and Naishtat)

HB 1917, A bill to be entitled An Act relating to the powers and duties of the Texas Juvenile Probation Commission and of juvenile boards.

HB 1917 was passed.

HB 381 ON THIRD READING
(by Swinford and Kubiak)

HB 381, A bill to be entitled An Act relating to a warranty claim by a farm, industrial, or outdoor power equipment dealer.

HB 381 was passed.

HB 858 ON THIRD READING
(by Goolsby, et al.)

HB 858, A bill to be entitled An Act relating to providing for open enrollment for a portion of those persons admitted as undergraduates at certain public institutions of higher education.

A record vote was requested.

HB 858 was passed by (Record 147): 80 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Jones, J.; Junell; Kamel; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon;

McReynolds; Moffat; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Pitts; Price; Puente; Rangel; Raymond; Reyna, A.; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Goodman; Grusendorf; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Mowery; Nixon; Palmer; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C); Eiland.

Absent, Excused — Jones, D.; Place; Rodriguez.

HB 195 ON THIRD READING

(by B. Turner, et al.)

HB 195, A bill to be entitled An Act relating to the punishment of theft committed against elderly individuals.

HB 195 was passed.

(D. Jones now present)

HB 120 ON THIRD READING

(by Hirschi, et al.)

HB 120, A bill to be entitled An Act relating to a physician's treatment of acute or chronic pain.

HB 120 was passed.

HB 1799 ON THIRD READING

(by Wise, et al.)

HB 1799, A bill to be entitled An Act relating to procedural requirements applicable to the release on parole of certain sex offenders.

Amendment No. 1

Representative Wise offered the following amendment to **HB 1799**:

Amend **HB 1799**, second reading engrossment, by striking Sections 4 and 6 of the bill and renumbering the remaining sections appropriately.

Amendment No. 1 was adopted without objection.

HB 1799, as amended, was passed.

HB 1999 ON THIRD READING

(by Merritt)

HB 1999, A bill to be entitled An Act relating to the disposition by the Railroad Commission of Texas of well-site equipment from a wellbore transferred to the Texas Experimental Research and Recovery Activity.

HB 1999 was passed.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 99 ON THIRD READING
(Pitts - House Sponsor)**

SB 99, A bill to be entitled An Act relating to the wearing of protective headgear by certain motorcycle operators and passengers.

A record vote was requested.

SB 99 was passed by (Record 148): 110 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Burnam; Chisum; Clark; Coleman; Cook; Corte; Counts; Cuellar; Culberson; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Edwards; Eiland; Elkins; Finnell; Flores; Gallego; Garcia; Giddings; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Heflin; Hightower; Hilbert; Hinojosa; Hirschi; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McClendon; McReynolds; Moffat; Moreno; Mowery; Oakley; Oliveira; Olivo; Patterson; Pitts; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Sadler; Serna; Siebert; Smith; Smithee; Solis; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Walker; West; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Carter; Crabb; Craddick; Davila; Dutton; Ehrhardt; Farrar; Glaze; Gray; Hartnett; Hernandez; Hilderbran; Hill; Hochberg; Junell; Kamel; McCall; Merritt; Naishtat; Nixon; Palmer; Price; Puente; Roman; Seaman; Shields; Solomons; Van de Putte; Williams; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Place; Rodriguez.

Absent — Berlanga; Chavez; Christian; Danburg; Galloway; Kubiak; Pickett.

STATEMENTS OF VOTE

When Record No. 148 was taken, I was temporarily out of the house chamber. I would have voted yes.

Chavez

When Record No. 148 was taken, I was in the house but away from my desk. I would have voted yes.

Dانبург

When Record No. 148 was taken, I was in the house but away from my desk. I would have voted no.

Galloway

When Record No. 148 was taken, I was in the house but away from my desk. I would have voted no.

Pickett

SB 797 ON THIRD READING
(Goodman and Naishtat - House Sponsors)

SB 797, A bill to be entitled An Act relating to the recodification of statutes relating to protective orders and family violence.

A record vote was requested.

SB 797 was passed by (Record 149): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Place; Rodriguez.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, Subcommittee on **CSHB 1561**, on recess today, Desk 77, to consider **CSHB 1561**.

State Affairs, on adjournment today, E1.030, Capitol Extension.

RECESS

Representative Goolsby moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:48 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 750 ON SECOND READING
(by Berlanga, et al.)**

CSHB 750, A bill to be entitled An Act relating to coverage under health benefit plans for certain supplies and services associated with the treatment of diabetes.

Representative Maxey moved to postpone consideration of **CSHB 750** until 10 a.m. Monday, April 21.

The motion prevailed without objection.

**CSHB 1137 ON SECOND READING
(by Uher)**

CSHB 1137, A bill to be entitled An Act relating to the requirement that the holder of a discharged lien on a motor vehicle execute the discharge of the lien.

CSHB 1137 was passed to engrossment.

**CSHB 588 ON SECOND READING
(by Rangel, Kamel, Maxey, Cuellar, Giddings, et al.)**

CSHB 588, A bill to be entitled An Act relating to uniform admission and reporting procedures for institutions of higher education.

Amendment No. 1

Representative Corte offered the following amendment to **CSHB 588**:

Amend **CSHB 588** as follows:

1) On page 1, line 23, after "class" insert "or any other Texas student with a standardized test score in the top 10 percent of the state for the year in which the applicant took the test".

2) On page 2, line 25, after "class" insert "or any other Texas student with a standardized test score in the top 25 percent of the state for the year in which the applicant took the test".

(Dutton in the chair)

Representative Rangel moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 150): 69 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Counts; Cuellar; Davila; Davis; Dukes; Dunnam; Edwards; Ehrhardt; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray;

Greenberg; Gutierrez; Hernandez; Hinojosa; Hirschi; Hochberg; Hodge; Jones, D.; Jones, J.; Junell; Kamel; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Cook; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Keel; Keffer; Krusee; Kubiak; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Patterson; Pitts; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; Walker; West; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Dutton(C).

Absent, Excused — Place; Rodriguez.

Absent — Danburg; Eiland; Hightower; Kuempel; McClendon; Williams.

STATEMENTS OF VOTE

When Record No. 150 was taken, I was temporarily out of the house chamber. I would have voted yes.

Danburg

When Record No. 150 was taken, my vote failed to register. I would have voted yes.

McClendon

When Record No. 150 was taken, my vote failed to register. I would have voted no.

Williams

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 151): 68 Yeas, 76 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Keel; Keffer; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Patterson; Pitts; Rabuck; Ramsay; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Nays — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze;

Goodman; Goolsby; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, D.; Jones, J.; Junell; Kamel; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Wise; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Dutton(C).

Absent, Excused — Place; Rodriguez.

Absent — Craddick; Wilson.

STATEMENT OF VOTE

When Record No. 151 was taken, I was in the house but away from my desk. I would have voted yes.

Craddick

Amendment No. 2

Representative Corte offered the following amendment to **CSHB 588**:

Amend **CSHB 588** as follows;

- 1) On page 2, line 16, strike "SELECTED" and substitute "ALL".
- 2) On page 2, line 18, strike "determine whether to".
- 3) On page 2, between lines 26 and 27, insert the following:

Sec. 51.805. THIRD TIER AUTOMATIC ADMISSIONS: ALL INSTITUTIONS. For each academic year, the governing board of each general academic teaching institution shall adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803 or 51.804, shall be admitted to the institution if the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 50 percent of the applicant's high school graduating class and a standardized test score in the top 25 percent of the state for the year in which the applicant took the test.

Sec. 51.806. FOURTH TIER AUTOMATIC ADMISSIONS: ALL INSTITUTIONS. For each academic year, the governing board of each general academic teaching institution shall adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803, 51.804, or 51.805, shall be admitted to the institution if the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 50 percent of the applicant's high school graduating class and a standardized test score in the top 50 percent of the state for the year in which the applicant took the test.

- 4) On page 2, line 27, strike "51.805" and substitute "51.807".

5) On page 3, line 1, strike "51.803 or 51.804" and substitute "51.803, 51.804, 51.805, or 51.806".

(Speaker in the chair)

Representative Rangel moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 152): 78 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, D.; Jones, J.; Junell; Kamel; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Pickett; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culbertson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Keel; Keffer; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Patterson; Pitts; Reyna, E.; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Place; Rodriguez.

Absent — Hawley.

A record vote was requested.

CSHB 588 was passed to engrossment by (Record 153): 77 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, D.; Jones, J.; Junell; Kamel; King; Lewis, G.; Lewis, R.; Longoria; Luna; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Wilson; Wolens; Yarbrough; Zbraneck.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culbertson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Keel;

Keffer; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Ramsay; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Place; Rodriguez.

Absent — Maxey; Wise.

STATEMENTS OF VOTE

When Record No. 153 was taken, my vote failed to register. I would have voted yes.

Maxey

When Record No. 153 was taken, my vote failed to register. I would have voted yes.

Wise

CSHB 1595 ON SECOND READING (by Alexander)

CSHB 1595, A bill to be entitled An Act relating to the regulation of motor vehicle dealers and manufacturers.

Amendment No. 1

Representative Alexander offered the following amendment to **CSHB 1595**:

CSHB 1595, First Printing, is amended on page 46, after line 25, by adding a new Section 26 to the bill to read as follows and by renumbering all subsequent sections accordingly:

SECTION 26. (a) Notwithstanding the terms of Section 5.02(b)(25), Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), a person who, on June 7, 1995, held both a Motor Home Dealer's license and a Motor Home Manufacturer's license issued pursuant to the terms of the Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), may hold both a Motor Home Dealer's license and Motor Home Manufacturer's license as those terms are defined by the Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes).

(b) Subsection (a) of this section authorizes a person to operate as a manufacturer and a dealer of no vehicle or type of vehicle except a motor home as that term is defined by the Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes).

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Uher offered the following amendment to **CSHB 1595**:

CSHB 1595, First Printing, is amended on page 15, after line 24, by adding a new Section 11 to the bill to read as follows and by renumbering all subsequent sections accordingly:

SECTION 11. Section 3.05, Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

Section 3.05. INVESTIGATION; ENFORCEMENT. (a) Whenever the Board [~~Commission~~] has reason to believe, through receipt of a complaint or otherwise, that a violation of this Act or a Board [~~Commission~~] rule, order, or decision has occurred or is likely to occur, the Board [~~Commission~~] shall conduct an investigation unless it determines that a complaint is frivolous or for the purpose of harassment. If the Board's [~~Commission's~~] investigation establishes that a violation of this Act or a Board [~~Commission~~] rule, order, or decision has occurred or is likely to occur, the Board [~~Commission~~] shall institute proceedings as it deems appropriate to enforce this Act or its rules, orders, and decisions.

(b) Notwithstanding Subsection (a) or other provision of this Act or Board rule, the Board may not initiate a proceeding alleging a violation of this Act or a Board rule relating to advertising until the Board has notified the licensee involved of the alleged violation and given the licensee an opportunity to cure the violation without further proceedings or liability.

Amendment No. 2 was adopted without objection.

CShB 1595, as amended, was passed to engrossment.

HB 3490 ON SECOND READING **(by Holzheuser)**

HB 3490, A bill to be entitled An Act relating to the Texas Experimental Research and Recovery Activity (TERRA) of the Railroad Commission of Texas.

HB 3490 was passed to engrossment.

HB 2133 ON SECOND READING **(by Jackson and Brimer)**

HB 2133, A bill to be entitled An Act relating to the creation, powers, and duties of the State Office of Risk Management; provisions of workers' comp insurance coverage for state employees.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Woolley, Representative Jackson offered the following committee amendment to **HB 2133**:

Amend **HB 2133** as follows:

(1) Sec. 412.052, Labor Code, is amended to read as follows:

Sec. 412.052. [~~PROVISIONAL~~] EXEMPTION OF CERTAIN STATE AGENCIES.

(2) Sec. 412.052, Labor Code, is amended by deleting subsections (b) and (c).

(3) SECTION 9 is amended to read as follows:

SECTION 9. Except as provided by Section 17 of this Act the change in law made by this Act to Chapter 501, ~~excluding Sec. 501.022, Labor Code~~, applies only to a claim for workers' compensation benefits based on a

compensable injury that occurs on or after September 1, 1997. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date that the injury occurred, and the former law in continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Elkins, Representative Jackson offered the following committee amendment to **HB 2133**:

HB 2133 Amend page 3 line 21 by striking "total" and inserting on line 22 "by the appropriation structure".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Brimer offered the following amendment to **HB 2133**:

Amend **HB 2133** in the following ways:

1. On Page 4, line 1, after the word "claims", delete the word "costs" and insert the phrase "paid from the general revenue that"

2. On Page 4, line 4, after the word "provided", delete the phrase "by Subsection (c)" and insert the word "herein"

3. On Page 4, line 8, after the word "state's", insert the phrase "general revenue claims for"

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Madden offered the following amendment to **HB 2133**:

Amend **HB 2133** as follows:

(1) Strike page 6, line 25, through page 7, line 1, and substitute the following:

Sec. 412.022. TRAINING PROGRAM FOR BOARD MEMBERS. (a) To be eligible to take office as a member of the board, a person appointed to the board must complete at least one course of a training program that complies with this section. If the course has not been completed at the time of appointment, the training program is to be completed within six months from the date of appointment, failure of which constitutes grounds for removal from the board.

(2) On page 8, line 5, between "board" and the semicolon, insert "other than the requirements of Section 412.022"

Amendment No. 4 was adopted without objection.

HB 2133, as amended, was passed to engrossment.

CSHB 1826 ON SECOND READING
(by Goodman, Naishtat, et al.)

CSHB 1826, A bill to be entitled An Act relating to the Department of Protective and Regulatory Services, the protection of children from abuse and neglect, and the conservatorship of children.

Amendment No. 1

Representative Goodman offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

On page 8, strike lines 24 through 27 and substitute the following:

(O) failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the department of Protective and Regulatory Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child; or

On page 9, strike lines 9 through 15 and substitute the following:

(Q) knowingly engaged in criminal conduct that results in the parent's imprisonment and inability to care for the child for not less than two years from the date of filing the petition; or

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

On page 1, line 6, after "SECTION 1." strike all language through line 10 and substitute:

Section 32.005, Family Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsection (c) or (d), a physician, dentist, or psychologist having reasonable grounds to believe that a child's physical or mental condition has been adversely affected by abuse or neglect may examine the child without the consent of the child, the child's parents, or other person authorized to consent to treatment under this subchapter.

(b) An examination under this section may include X-rays, blood test, photographs, and penetration of tissue necessary to accomplish those tests.

(d) A physician or psychologist who is not the regular physician or psychologist of a child or who does not have a practice-sharing agreement with the regular physician or psychologist of a child shall before conducting an examination otherwise authorized by Subsection (a) make a diligent effort to inform the regular physician or psychologist of the child of the belief of the child's condition and the cause of that condition. If, after due diligence to locate the child's regular physician or psychologist, the regular physician or psychologist cannot be located or the physician or psychologist reasonably believes that the child has no regular physician or psychologist, the examination may be conducted. If the regular physician or psychologist is located, that physician or psychologist must be given a reasonable opportunity to examine the child or to decline an examination of the child before any further examination may be conducted, and that physician or psychologist must be consulted before any medication is administered to the child. This subsection does not apply to the examination, care, or treatment of a child in an emergency in which the condition of the child requires immediate action.

(e) A physician, dentist, or psychologist who examines ~~[examining]~~ a child as authorized by ~~[under]~~ this section is not liable for damages except for damages resulting from the physician's or dentist's negligence.

Representative Goodman moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representatives Chisum and A. Reyna offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

(1) On page 1, between lines 10 and 11 insert a new SECTION 2 to the bill to read as follows:

SECTION 2. Section 261.107, Family Code, is amended to read as follows:

Section 261.107. FALSE REPORT; PENALTY. A person commits an offense if the person knowingly or intentionally makes a report as provided in this chapter that the person knows is false or lacks factual foundation. An offense under this Section ~~[subsection]~~ is a Class A ~~[B]~~ misdemeanor.

(2) In the transition material of the bill, add a section, appropriately numbered, to read as follows:

SECTION _____. (a) The change in law made by Section 2 of this Act applies only to an offense committed on or after the effective date of this Act. For the purpose of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Chisum offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

(1) On page 5, between lines 16 and 17 add the following two new sections:

SECTION 8. Subchapter A, Chapter 156, Family Code, is amended by adding Section 156.007 to read as follows:

Sec. 156.007. NO ORDER UNTIL CRIMINAL PROCEEDINGS OR APPEAL COMPLETED. The court may not render an order modifying conservatorship, support, or possession of and access to a child by a parent who is under a pending indictment for a criminal offense or is appealing a conviction of a criminal offense that constitutes abuse or neglect as those terms are defined by Section 261.001.

SECTION 9. Subchapter C, Chapter 61, Family Code, is amended by adding Section 161.211 to read as follows:

Sec. 161.211. NO ORDER UNTIL CRIMINAL PROCEEDINGS OR APPEAL COMPLETED. The court may not render an order terminating the parent-child relationship of a parent who is under a pending indictment for a

criminal offense or is appealing a conviction of a criminal offense that constitutes abuse or neglect as those terms are defined by Section 261.001.

(2) Renumber all subsequent sections.

(3) In the transition material of the bill, add a section, appropriately numbered, to read as follows:

SECTION _____. The changes in law made by Sections 8 and 9 of this Act apply only to a suit for modification under Chapter 156, Family Code, or a suit for termination under Chapter 161, Family Code, that is filed on or after the effective date of this Act.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Chisum offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

(1) On page 12, line 4, between "Subsections" and "(c)", insert "(a)(2)".

(2) On page 12, line 6, add:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

(2) On page 14, line 5, add a new SECTION 13 to the bill to read as follows:

SECTION 13. Section 261.302, Family Code, is amended by adding Subsection (e) to read as follows:

(e) An interview with a child under this section shall be audiotaped and videotaped unless the investigating agency determines that good cause exists for not audiotaping or videotaping the interview.

(3) Renumber subsequent sections.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Chisum offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

On page 14, line 2, after "necessary" strike "; and (3) include transporting the child for purposes relating to the interview or investigation".

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Chisum offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

(1) On page 12, line 4, between "Subsections" and "(c)", insert "(a)(2)".

(2) On page 12, line 6, add:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

(2) On page 14, line 5, add a new SECTION 13 to the bill to read as follows:

SECTION 13. Section 261.302, Family Code, is amended by adding Subsection (e) to read as follows:

(e) An interview with a child under this section shall be audiotaped and videotaped unless the investigating agency determines that good cause exists for not audiotaping or videotaping the interview.

(3) Renumber subsequent sections.

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Maxey offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** by adding the following appropriately numbered section and renumbering existing sections appropriately:

SECTION _____. (a) Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0535 to read as follow:

Sec.42.0535. REQUIRED INFORMATION FOR VERIFICATION. (a) A child-placing agency that seeks to verify an agency home or an agency group home shall request background information about the agency home or group home from a child-placing agency that has previously verified that agency home or agency group home.

(b) Notwithstanding Section 261.201, Family Code, a child-placing agency that has verified an agency home or an agency group home is required to release to another child-placing agency background information requested under Subsection (a).

(c) A child-placing agency that releases background information under this section is immune from civil and criminal liability for the release of the information.

(d) For purposes of this section, background information means the home study under which the agency home or agency group home was verified by the previous child placing agency and any record of non-compliance with state minimum standards received and the resolution of any such non-compliance by the previous child placing agency.

(b) This section takes effect September 1, 1997, and applies only to the release by a child-placing agency of background information about an agency

home or agency group home on or after that date. The release of background information before that date is governed by the law as it existed immediately before the effective date of this section, and that law is continued in effect for that purpose.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Woolley offered the following amendment to **CSHB 1826**:

Amend **CSHB 1826** as follows:

(1) Insert the following appropriately numbered sections to the bill:

SECTION _____. Subchapter A, Chapter 262, Family Code, is amended by adding Section 262.0005 to read as follows:

Sec. 262.0005. DEFINITION. In this chapter, "extreme conduct" means violent or dangerous child abuse that includes:

(1) an offense under Section 22.04, Penal Code, involving injury to a child (injury to a child, elderly individual, or disabled individual);

(2) an offense under Section 22.041, Penal Code (abandoning or endangering child);

(3) an offense under Section 22.011, Penal Code (sexual assault);

(4) an offense under Section 22.021, Penal Code (aggravated sexual assault); and

(5) abuse or neglect resulting in serious bodily injury, serious mental deficiency, impairment, or injury to a child.

SECTION _____. Section 262.201, Family Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) If a child is alleged to be the victim of extreme conduct, the court shall make findings and enter orders as necessary, concerning:

(1) whether there are reasonable grounds to believe that the child is a victim of extreme conduct;

(2) the principal legal issues and requirements relating to necessary parties, service of citation, and appointment of attorneys and guardians ad litem;

(3) whether grounds exist to file suit for termination of the parent-child relationship; and

(4) the deadline to determine whether to proceed with a suit for termination or other suit affecting the parent-child relationship.

(f) If a suit for termination of the parent-child relationship is filed and a child is alleged to be the victim of extreme conduct and the court determines that reasonable grounds exist to believe that the child is a victim of extreme conduct, the court:

(1) shall set deadlines for the completion of requirements of Chapter 263;

(2) shall set deadlines for filing pleadings and discovery; and

(3) shall set the trial date not later than the 180th day after the date of the filing of the suit and may permit only one continuance of the trial, but may not continue the trial date later than the 270th day after the date of the filing of the suit.

(g) If a child is alleged to be the victim of extreme conduct, the court may not continue a trial under this chapter for noncompliance with any placement agreement, service plan, or other agreement for services.

SECTION _____. Sections ____ and ____ of this Act apply only to an adversary hearing held under Section 262.201, Family Code, or a suit for termination of the parent-child relationship filed on or after the effective date of this Act.

(2) Renumber the remaining sections appropriately.

Amendment No. 9 was adopted without objection.

CSHB 1826, as amended, was passed to engrossment. (Heflin and Shields recorded voting no)

CSHB 594 ON SECOND READING
(by Thompson, et al.)

CSHB 594, A bill to be entitled An Act relating to certain charges for the administration of loans and loan applications.

Representative Thompson moved to postpone consideration of **CSHB 594** until 10 a.m. Monday, April 21.

The motion prevailed without objection.

HB 1170 ON SECOND READING
(by Smithee)

HB 1170, A bill to be entitled An Act relating to certain nursing homes for purposes of professional liability insurance coverage.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative G. Lewis, Representative Smithee offered the following committee amendment to **HB 1170**:

Amend **HB 1170** on Page 1, at line 12 by deleting the word "board," and inserting the word "commissioner."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Madden offered the following amendment to **HB 1170**:

Amend **HB 1170** as follows:

On page 1, line 16, after "home" add "or to a for-profit nursing home with a Medicaid census greater than 30 percent of the home's total census".

Amendment No. 2 was adopted without objection.

HB 1170, as amended, was passed to engrossment.

HB 1836 ON SECOND READING
(by Goolsby)

HB 1836, A bill to be entitled An Act relating to the interval between internal inspection of boilers; amending Section 755.026 of the Health and Safety Code.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Yarbrough, Representative Goolsby offered the following committee amendment to **HB 1836**:

Beginning with line 12, delete the words "or steam collection or liberation drums of process steam generators",

Amendment No. 1 was adopted without objection.

HB 1836, as amended, was passed to engrossment.

RULES SUSPENDED

Representative Telford moved to suspend the 5-day posting rule to allow the Committee on Pensions and Investments to consider **HB 1876**.

The motion prevailed without objection.

Representative Hill moved to suspend the 48-hour subcommittee report rule to allow the Committee on Urban Affairs to consider **HB 1561**.

The motion prevailed without objection.

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **HB 1897** and **HB 2481**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Select Committee on Revenue and Public Education Funding, 5 p.m. today, E2.036, Capitol Extension.

Select Committee on Revenue and Public Education Funding, 9 a.m. Wednesday, April 16, speakers committee room.

Higher Education, 5 p.m. today, E2.016, Capitol Extension.

Transportation, on adjournment today, Desk 25.

Economic Development, on adjournment today, E2.030, Capitol Extension.

Public Education, 5 p.m. today, Room 106, Reagan Building.

State Recreational Resources, on adjournment today, Desk 28.

State Affairs, on adjournment today, E1.030, Capitol Extension.

Calendars, on adjournment today, speakers committee room.

Rules and Resolutions, on adjournment today, Desk 133, to consider the calendar.

Licensing and Administrative Procedures, on adjournment today, Desk 66, to consider **HB 271**, **HB 2086**, **HB 2708**, and **HB 3370**.

State, Federal, and International Relations, on adjournment today, E1.014, Capitol Extension, to continue consideration of testimony begun this morning in committee meeting.

ADJOURNMENT

Representatives Keffer, Hunter, Counts, and Finnell moved that the house adjourn until 10 a.m. tomorrow in memory of Mr. Watkins Reynolds "Watts" Matthews, rancher from Albany.

The motion prevailed without objection.

The house accordingly, at 4:49 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3574 (by R. Lewis), Relating to the election and terms of office of directors of the Jefferson County Water Control and Improvement District No. 10.

To Natural Resources.

HB 3575 (by Brimer, Junell, and Counts), Relating to the conversion or transfer of the Texas workers' compensation insurance facility.

To Business & Industry.

HCR 202 (by Walker), Memorializing congress to allocate funds for road expansion in Texas to the Waste Isolation Pilot Plant project in New Mexico.

To Transportation.

HCR 203 (by Keel), Encouraging state agency administrators to review and continue their use of the State Employees Training Act.

To State Affairs.

HR 613 (by Keel), In memory of E. L. "Bo" Lambright.

To Rules & Resolutions.

HR 616 (by Alexander), Congratulating Winston and Velma West on the occasion of their 50th wedding anniversary.

To Rules & Resolutions.

HR 618 (by Tillery), Commending the Honorable John Bryant.

To Rules & Resolutions.

HR 619 (by Clark), Recognizing April 21-28, 1997, as Texoma Stampede Week.

To Rules & Resolutions.

SB 214 to Financial Institutions.

SB 365 to State Affairs.

SB 416 to Juvenile Justice & Family Issues.

SB 718 to Natural Resources.

SB 727 to Land & Resource Management.

SB 784 to State Affairs.

SB 897 to State Affairs.

SB 925 to Energy Resources.

SB 937 to State Affairs.

SB 965 to State Affairs.

SB 1014 to Ways & Means.

SB 1015 to Ways & Means.

SB 1059 to State Affairs.

SB 1131 to Public Health.

SB 1480 to Public Education.

SB 1499 to Insurance.

SB 1656 to Natural Resources.

SB 1702 to State, Federal & International Relations.

SB 1713 to Energy Resources.

SB 1865 to Natural Resources.

SJR 14 to Financial Institutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 9

SB 150, SB 182, SB 221, SB 326, SB 348, SB 401, SB 444, SB 476, SB 726, SCR 25

House List No. 33

HCR 196

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 15, 1997

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 123 Bivins

Relating to the treatment of repeat sex offenders.

SB 486 Brown

Relating to the regulation of geologists, geophysicists, and soil scientists; providing an administrative and a criminal penalty.

SB 489 Madla

Relating to the authority of sheriffs in certain counties to regulate certain activities involving explosives.

SB 591 Gallegos

Relating to courses and programs at the University of Houston-Downtown.

SB 620 Harris

Relating to durable powers of attorney.

SB 746 Sibley

Relating to property tax increment financing and property tax abatements.

SB 806 Ogden

Relating to the use of student fees and certain other funds to support intercollegiate athletics at a public institution of higher education.

SB 947 Patterson, Jerry

Relating to the designation of a primary physical residence in an order of joint managing conservatorship.

SB 1060 Patterson, Jerry

Relating to the management of certain funds by the Veterans' Land Board, to the creation of veterans assistance centers, and to the Veterans' Land Board's entering into bond enhancement agreements for certain bonds.

SB 1243 Madla

Relating to the practice of perfusion.

SB 1248 Madla

Relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties.

SB 1557 Sibley

Relating to certain contributions and tax abatement agreements of a school district for the support of reinvestment zones.

SB 1755 Fraser

Relating to investment training for board members and investment officers of state agencies.

SB 1828 Shapleigh

Relating to enforcement of vehicle weight and safety restrictions.

SB 1897 Sibley

Relating to insurance company loss or claim reserves.

SCR 51 Truan

Directing the Texas Department of Commerce to increase technology-based investments in the state.

SJR 39 Ellis

Proposing a constitutional amendment allowing the Texas growth fund to continue to invest in businesses without requiring those businesses to disclose investments in South Africa or Namibia.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, April 15, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 192 Roman SPONSOR: Ogden
Designating April 15, 1997, as Bryan-College Station Day at the Capitol.

HCR 198 Keffer SPONSOR: Sibley
Recognizing April 15, 1997, as Hood County Day at the Capitol.

SCR 69 Brown
Commending the Texas Parks and Wildlife Department and the Texas Game Warden Association for their work in creating the Parrie Haynes Youth Camp and Wildlife Conservation Ranch.

SCR 70 Cain
Honoring The Bartley-Woods School in Fannin County.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 11

Energy Resources - **SB 634**

April 14

Business & Industry - **HB 740, HB 1171**

Civil Practices - **HB 1456, HB 1962, HB 2118, HB 2160**

Corrections - **HB 917, HB 2324, HB 2825, HB 3254, HCR 132, SB 673**

County Affairs - **HB 998, HB 1877, HB 2179**

Criminal Jurisprudence - **HB 43, HB 793**

Economic Development - **HB 905**

Environmental Regulation - **HB 1367, HB 2585**

Higher Education - **HB 65, HB 571, HB 1384, HB 1548, HB 1883, HB 1989, HB 2010, HB 2411, HB 2413, HB 2613, HB 2626, HB 2801, HB 2923, HB 2933, HB 3058, HB 3112**

Insurance - **HB 839, HB 1356, HB 1476**

Judicial Affairs - **HB 2917**

Land & Resource Management - **HB 1394, HB 3212, HB 3366**

Pensions & Investments - **HB 1700, HB 2799**

Public Health - **HB 587, HB 727, HB 1933, HB 1956, HB 2561, HB 2573, HCR 145, SCR 28**

Public Safety - **HB 3113**

State Affairs - **HB 1845, SB 253**

State Recreational Resources - **HB 1452**

State, Federal & International Relations - **HB 726, HB 3278, HB 3380, HCR 5, HCR 83, HCR 143**

Ways & Means - **HB 2230**

ENGROSSED

April 14 - **HB 425, HCR 148, HCR 149**

ENROLLED

April 14 - **HCR 196**

SENT TO THE GOVERNOR

April 14 - **HCR 25, HCR 99, HCR 101**